IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO :10383 of 1994

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Dated: 27th June 2007.

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Between:

Kiladi Appa Rao, S/o Appanna aged 45 years, residing at Vakapadu, S.Rayavaram Mandal, Visakhapatnam District and others.

..... PETITIONERS

AND

The District Collector, Visakhapatnam, Visakhapatnam District. and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P.NO.10383 OF 1994

ORAL ORDER:

This writ petition has been instituted seeking directions to the respondents not to evict the petitioners from the land of an extent of Ac.4-00 in possession of each of the eighteen petitioners situated in Survey No.306 of Vakapadu Village, S.Rayavaram Mandal, Visakhapatnam District. They also solicited further directions that their claim for grant of pattas in respect of the land be considered and appropriate orders thereon be passed.

The writ petitioners claim that a vast extent of more than Ac.1400-00 of vacant land was available in Survey No.306 of Vakapadu Village, S.Rayavaram Mandal, Visakhapatnam District and most of these lands are useless lands and that some of these lands have been put to use by them for manufacture of salt. The writ petitioners also assert that such of those lands, which are capable of being converted into fish tanks, they have converted them and that they are indulging in pisci culture. It is the assertion of the writ petitioners that they all belong to either the socially disadvantageous sections or to the economically weaker sections of the society and, therefore, they submitted a representation to the District Collector, seeking assignment of land in the said village in their favour.

The Mandal Revenue Officer, S.Rayavaram Mandal, Visakhapatnam District, has filed counter affidavit in the above matter. He pointed out that the State Government had granted lease of certain lands in favour of a charitable trust and that the lessee was in possession of the said lands till 29th May 1994 and that subsequently, the lands in question have been assigned to the Scheduled Castes and Scheduled Tribes Cooperative Society and that the possession of the lands has been handed over to the said Society on the same day and, therefore, disputes the claim of the writ petitioners that they are in possession of these lands.

Heard Sri C.Ramachandra Raju learned counsel for the writ petitioners and the learned Assistant Government Pleader for Revenue.

Sri C.Ramachandra Raju points out that a vast extent of more than Ac.1400-00 of vacant land is available in Survey No.306 of Vakapadu Village, whereas in the counter affidavit, without disclosing the exact extent of the land that has been assigned to the charitable trust at the first instance and subsequently, in favour of the Scheduled Castes and Scheduled Tribes Cooperative Society, the respondents are disputing the possession of the land by the writ petitioners. Therefore, he pleads that the land in possession of the writ petitioners is distinct and separate from the land, which has been initially leased out and subsequently, allotted in

favour of the Scheduled Castes and Scheduled Tribes Cooperative Society and hence, they have got nothing to do with each other. In support of his case that the writ petitioners are in continuous possession of the said land, the learned counsel has also enclosed certain cist receipts, issued by the Village Administrative Officer, evidencing collection of land revenue from the writ petitioners.

Be that as it may, the writ petitioners do recognize that they do not have any statutory right to squat on the property belonging to the State Government, but, however, the policy pursued by the State is that wherever there are eligible landless poor persons, the claims of such persons are considered and they are granted pattas over vacant lands, so as to enable them to eek out their livelihood honourably. The State Government has been vigorously following the said policy, which, ultimately, brings in a reformation in the standards of living of the rural poor. The policy of the State also ensures that the precious resources of the State are equitably distributed and, in particular, to the members belonging to the weaker sections of the society, such as, the Scheduled Castes and Scheduled Tribes. At the same time, the State Government has to balance its interests by keeping certain extents of vacant land for meeting its future needs and requirements. Therefore, it is for the District Collelctor, Visakhapatnam, to conduct an enquiry by calling for an appropriate report about the social and

economic status of the petitioners and the fact whether they are in occupation of the lands in Survey No.306 of Vakapadu Village, for a long time, as was claimed by them and if such lands are not likely to be required for any immediate use of the Government, to consider grant of assignment/pattas to the extent permissible, in favour of each one of them. It will also be appropriate for the District Collector to direct the Assistant Director of Fisheries, Visakhapatnam to conduct an enquiry as to whether the petitioners either individually or collectively, are capable of carrying on pisci culture on their own and in such an event they may be permitted to carryon with the activity of rearing of fish so long as it does not come in conflict with the other requirements, in particular, that of the Coastal Zoning Regulations.

The entire exercise in this regard be completed as expeditiously as possible, at any rate within the next six months and in the mean time, if the petitioners are continuing in possession of the lands in Survey No.306 of Vakapadu Village, S.Rayavaram Mandal, Visakhapatnam District, no attempt be made to dispossess them, unless the lands in question are essential and urgently needed to meet any governmental requirement.

With the above observations, the writ petition is disposed of, but however, without costs.

Nooty Ramamohana Rao, J

27th May 2007
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